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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

**Re: U.S. Patent No. 9794797 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9794797 (the "9794797 Patent"). After preliminary review, we have substantial concerns about the validity, enforceability, and scope of the asserted claims, summarized below. We reserve all rights and defenses.

## **1. Subject Patent — Summary**

A detailed analysis of U.S. Patent 9,794,797 reveals a system for managing and optimizing wireless network resources through economic principles and hierarchical structures. The patent, which is the subject of current litigation, outlines a method for allocating network access and resolving conflicts among communicating devices.

Patent Details:

- Title: Multifactorial optimization system and method
- Assignee: Cogent Insights Licensing Inc.
- Inventor: Steven M. Hoffberg
- Filing Date: October 28, 2014
- Issue Date: October 17, 2017
- Abstract: The patent describes a method for managing rights among different agents (nodes in a network) by assigning hierarchical ranks and distributing a...

## **2. Validity Concerns under 35 U.S.C. § 102 — Prior Art**

We have identified prior-art references that, in our preliminary view, anticipate one or more asserted claims of the 9794797 Patent:

Prior Art Analysis for US Patent 9,794,797

The following analysis details the most relevant prior art cited during the prosecution of US Patent 9,794,797. The analysis focuses on how these references relate to the independent claims (1, 8, and 14) and their potential to anticipate these claims under 35 U.S.C. § 102.

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1. US Patent Application Publication No. 2005/0073981 A1

- Full Citation: Gu, et al., "Game theoretic resource allocation for multi-hop wireless ad hoc networks," (Hereinafter "Gu"). Published April 7, 2005. Filed October 1, 2004.
- Brief Description: Gu discloses a system for allocating resources, such as bandwidth and power, in a multi-hop ad-hoc wireless network using game theory. The explicit goal is to incentivize nodes to cooperate in forwarding packets. Gu models the resource allocation problem as a cooperative game where nodes (players) form groups to relay traffic. The system aims to find a "core" solution for the game, which represents a stable state where no group of nodes has an incentive to deviate from the cooperative strategy. The framework is...

### **3. Obviousness under 35 U.S.C. § 103**

Independent of § 102, we believe the asserted claims are obvious in view of combinations of prior art that a person having ordinary skill in the art would have been motivated to combine:

Based on the provided prior art analysis, the following is an assessment of the obviousness of the independent claims of U.S. Patent 9,794,797 ("the '797 patent") under 35 U.S.C. § 103. This analysis considers what a Person Having Ordinary Skill in the Art (PHOSITA) in wireless communications and network theory would have understood at the time of the invention. An invention is considered obvious if the differences between the invention and the prior art are such that the subject matter as a whole would have been obvious to a PHOSITA.

Obviousness Analysis of Independent Claims 1 and 8

Independent claims 1 and 8 describe a wireless node that uses a game theory-based decision process to select a directional antenna radiation pattern, considering the states of other nodes and a subjective value function to maximize its own benefit.

A strong argument for obviousness can be made by combining the teachings of Gu (US 2005/0073981) and the general knowledge of a PHOSITA regarding antenna technology, further supported by the teachings of Jain (US 8,170,591).

1. The Primary Reference: Gu...

### **4. Litigation History of the Patent**

Public records reflect that the 9794797 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Hisense USA Corporation v. Cogent Insights Licensing Inc. — 2:25-cv-00414 · U.S. District Court for the Northern District of Georgia · filed 2025-12-29 · active

### **5. Request**

In light of the foregoing, we request that your client (i) provide a detailed claim chart identifying each accused product or service and mapping every limitation of each asserted claim, (ii) identify any prior art known to your client, including any references cited during prosecution or

reexamination, and (iii) substantiate the basis for any damages or licensing demand. We are prepared to discuss the matter further once we have received and reviewed the foregoing.

Sincerely,

**[Your Name]**

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